

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HILTON KARRIEM MINCY,	:	CIVIL ACTION NO. 1:08-CV-0507
	:	
Plaintiff,	:	(Judge Conner)
	:	
v.	:	
	:	
WARDEN DEPARLOS, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 10th day of December, 2009, upon consideration of various motions filed by plaintiff (Docs. 43, 49, 52), it is hereby ORDERED as follows:

1. Plaintiff's motion to strike defendants' answer (Doc. 43) as untimely is DENIED based upon plaintiff's failure to move for default judgment, see Kampf v. Heinecke, 1995 WL 262526, at *1 (E.D. Pa. April 28, 1995) (finding that when a party fails to timely answer or otherwise plead, the court has discretion to allow an untimely response in the absence of a motion for default judgment), as well as his failure to file the motion to strike until forty-five days after the entry of the order (Doc. 38) affording defendants twenty days to file an answer and almost thirty days after the answer (Doc. 39) was filed. See Orange Theatre Corp. v. Rayherstz Amusement Corp., 130 F.2d 185, 187 (3d Cir. 1942) (determining that permission to plead within discretion of trial judge when defendants failed to plead or otherwise defend within 20 days allotted by Rule 12(a) and when there was no entry of default).
2. Plaintiff's second motion for sanctions (Doc. 49) for failure to provide responses to interrogatories is DENIED as moot. Defendants provided responses to interrogatories to plaintiff in accordance with the order of court partially granting plaintiff's first motion for sanctions (Doc. 48).

3. Plaintiff's motion for an enlargement (Doc. 52) of the discovery deadline is GRANTED. The scheduling order (Doc. 42) is amended as follows:
- a. Discovery shall be completed on or before February 15, 2010.
 - b. Dispositive motions shall be filed on or before March 1, 2010.
 - c. Scheduling of a final pre-trial conference and the trial date of this matter is deferred pending disposition of dispositive motions.
 - d. Any motions or briefs filed after the expiration of the applicable deadline without prior leave of court shall be stricken from the record.
 - e. No extensions of the pre-trial schedule shall be granted absent good cause. See FED. R. CIV. P. 16(b)

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge